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REMARKS

Claim Rejection – 35 U.S.C. §103

Claims 1-6, 9, 11, 12, 16-25, and 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price R-W et al (US Patent 6,052,068), in view of Maloney (US Patent 6,427,913), and in further view of Guthrie (US Patent 5,745,037). The Applicant respectfully traverses this rejection for the following reasons.

Price teaches a vehicle identification system for identifying motor vehicles in a group of vehicles at distances in excess of 200 feet. The system includes an interrogator for directionally broadcasting an interrogation signal toward a vehicle of interest and a set of vehicle identification tags attached to the vehicles for receiving interrogation signals and sending a response signal to the interrogator. The response signal consists of information from the memory in the vehicle identification tag which allows the interrogator to identify the ownership or registration of the vehicle.

While the Examiner states that it would be obvious to a person skilled in the art to modify Price with the teachings of Maloney and Guthrie, the Applicant strongly disagrees. Price clearly and repeatedly emphasizes the use of a tag/interrogator system. In column 1, lines 30-31 of the Background of the Invention, Price states "Current approaches consist of a single tag and an interrogator". Price has chosen to limit the prior art of his system to those including an interrogator, other types not being of any particular relevance. Still in column 1, lines 53-55, the following is stated: "The need, therefore, exists for a tag/interrogator system which can safely and reliably improve the identification of motor vehicles". Here, Price has set out the need for an invention that will be a tag/interrogator type system. In the Summary of the Invention, Price puts even further emphasis on the essential element of his system, the interrogator, when he states the following: "The present invention is a system for identification of a motor vehicle comprising an interrogator for sending an interrogation signal and a set of vehicle identification tags for receiving the interrogation signal and sending a response signal consisting of information in a memory of the vehicle identification tag" (col. 1, lines 61-65). From this passage, it is clear that the interrogator is an essential element of the system to be taught by Price. The term "interrogator" is

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then defined with absolutely no ambiguity when the following is stated: "Interrogators may be mobile or fixed at a location, depending on the intended use of the system. Interrogators for use by law enforcement *prompt a vehicle identification tag to respond with information* from the secure memory. Interrogators available to non-governmental entities *prompt a vehicle identification tag to respond with information* from the less secure memory." (col. 2, lines 6-9, emphasis added). From the above, it is respectfully submitted that there is absolutely no motivation or suggestion for a person skilled in the art to modify Price by removing a feature that has clearly been emphasized as a central part of the system.

Therefore, the Applicant hereby submits that a *prima facie* case of obviousness has not been made, since there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. While the Examiner may point to the knowledge generally available to one of ordinary skill in the art as the suggestion or motivation, this cannot be the case when the primary reference being used by the Examiner clearly teaches against the type of modification that would lead to the method and system as claimed in claims 1 and 21, respectively, of the present application. Therefore, the Applicant believes claims 1 and 21 to be non-obvious in view of the cited references.

With respect to claim 2, the Examiner points to Price as teaching that at least one of the signal emitting devices will emit in response to a request from at least one of the readers and the network. While Price does teach this type of interrogation of a tag, it fails to teach a system having both a tag-initiated type of communication and an interrogation type of communication. Therefore, claim 2 is non-obvious in view of the cited references.

With respect to claims 4 and 23, the Examiner states that Price discloses that the readers are capable of processing and filtering strong and weak signals, and therefore, the signal emitting devices could operate at varying frequencies. The Applicant disagrees for the following reasons. At column 3, lines 45-50, Price states the following: "In the alternative, all VITs 16 could transmit a response signal 20 and the interrogator 12 could filter weak or duplicate responses, processing only the strongest of

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the signals received from the same vehicle". This differs significantly from having each of the signal emitting devices operate at a varying signal strength. In the case of Price, some of the transmitted signals are weaker because they are further away from the receiver. This does not mean that the tags operate at varying signal strengths, it simply means that the transmission of some of the signals are weak.

Having the signals operate at varying signal strengths should not be considered simply a design choice by the user. It is a technique that allows the system to fool a potential thief who is attempting to detect all of the tags hidden on a vehicle in order to remove them and steal the vehicle. Therefore, this feature has a significant advantage and purpose within the system. Furthermore, this feature is not obvious in view of the cited references.

With respect to claims 5 and 24, the Examiner points to Maloney as disclosing a plurality of signal emitting devices that transmit at different times. What Maloney actually describes is placing two emitting devices at different ends of a vehicle and having them transmit to the reader as they pass in front of the reader, in response to a polling request by the reader. This differs from claims 5 and 24, which state that the signal emitting devices actually transmit at different times. There can be no equivalent teaching in Maloney because Maloney's system is based on an interrogator-type system. Therefore, if the tags are polled at different times, they will obviously transmit at different times. However, claims 5 and 24 recite having signal emitting devices initiate communication with the readers on their own at different times. For example, one signal emitting device may transmit every 5 minutes, while another signal emitting device may transmit every 15 minutes. This is not suggested by the cited references.

With respect to claims 6 and 25, the Examiner points to Price as disclosing that the signal emitting devices include some functional and some non-functional devices, since Price discloses that a reader can communicate with the signal emitting devices and only signal emitting devices which receive valid messages are functional. However, this differs from claims 6 and 25 in that in Price, the signal emitting devices that do not receive a valid message are still functional. When the message they receive is valid, they will then emit a response. Claims 6 and 25 meanwhile indicate that there are certain signal emitting devices which are incapable of functioning at all, thereby non-

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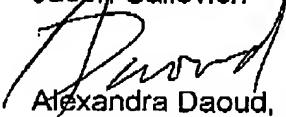
functional. This is another technique used to fool a potential thief, who may remove a tag and think that the system has been disactivated, but has essentially removed a non-functional tag.

With respect to claim 18, the Examiner states that Price teaches that the readers interrogate the signal emitting devices and therefore, it is obvious that if readers are placed correctly that the signal emitting devices will emit signals in accordance with the placement of the readers. This differs significantly from claim 18, which states that at least some of the signal emitting devices emit signals at a frequency of once every few hours. Again, the claim is based on a non-polling system, which means the tags are not interrogated in order to emit. Placing readers one hour apart does not mean the signal emitting devices will emit at a frequency of once every few hours. Having the tags emit at such long intervals is another thief-deterring technique, which serves in preventing vehicle theft.

In view of the foregoing, the Applicant believes the present application to be patentable and early and favorable notice is earnestly solicited.

Respectfully submitted,

Jason Gallovich

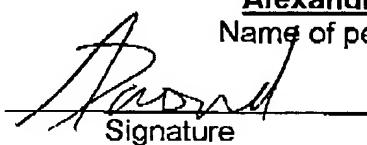


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